IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 28047 of 2007(L)

PETITIONER:

SARAKUTTY K.M.,
PART TIME CASUAL SWEEPER, PWD (BUILDINGS)
SECTION OFFICE, SULTHAN BATHERY P.O.,
WAYANAD DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF PUBLIC WORKS,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
PWD ADMINISTRATION, THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
PWD BUILDING DIVISION, KALPETTA.

4. THE ASSISTANT EXECUTIVE ENGINEER,
PWD BUILDINGS SUB DIVISION, SULTHAN BATHERY,
WAYANAD DISTRICT.

5. THE ASSISTANT ENGINEER,
PWD BUILDING SECTION, SULTHAN BATHERY.

BY G.P. SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C) No.28047 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

The petitioner is working as a Part Time Casual Sweeper in the PWD Building Section Office at Sultan Bathery. An application was submitted by the 5th respondent, the Assistant Engineer for creation of a post of Part Time Contingent Sweeper, as per Ext.P1. This was forwarded to the third respondent as per Ext.P2. Ext.P3 indicates that the sweeping area covered by the petitioner is 107.48 sq. metres. The petitioner claims that she is entitled to be regularised in her post in terms of the guidelines contained in G.O.(P) 501/2005 dated 25.11.2005, Ext.P5.

2. Creation of a post of Part Time Sweeper if the sweeping area exceeds 100 sq. metres is to be done by the Government. The recommendation made by the 5th respondent through the third respondent ultimately will have to be forwarded to the Government.

3. After having heard the learned counsel for the petitioner and the learned Government Pleader, W.P. is disposed of in the following terms:

(i) The petitioner shall file a representation indicating these aspects specifically referring to Exts.P1 and P2, before the first respondent within a

period of two weeks from the date of receipt of a copy of this judgment.

(ii) The first respondent shall then take a decision on such representation containing the petitioner's claim for regularisation in the post of Part Time Sweeper within a period of two months thereafter in the light of the sweeping area certified and if necessary, after collecting other materials including remarks from the Head of Office where the petitioner is working. A decision shall be taken by the Government within a period of three months thereafter. If the Government proposes to take any decision adverse to the interest of the petitioner, the petitioner shall be heard in that regard before such decision is taken.

W.P. is disposed of as above.

V.GIRI
Judge

pms